

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|  |   |                                       |
|--|---|---------------------------------------|
| <b>EMPLOYEES RETIREMENT SYSTEM<br/>OF THE CITY OF ST. LOUIS,</b> | : |                                       |
|  | : |                                       |
| <b>Plaintiff,</b>  | : | <b>Case No. 2:20-cv-04813</b>         |
|  | : |                                       |
| <b>v.</b>  | : | <b>CHIEF JUDGE ALGENON L. MARBLEY</b> |
|  | : |                                       |
| <b>CHARLES E. JONES, et al.,</b>                                 | : | <b>Magistrate Judge Jolson</b>        |
|  | : |                                       |
|  | : |                                       |
| <b>Defendants,</b>   | : |                                       |
|  | : |                                       |
| <b>FIRSTENERGY CORP.,</b>  | : |                                       |
|  | : |                                       |
| <b>Nominal Defendant.</b>  | : |                                       |

**ORDER**

This matter is before the Court on Defendants' Motion to Enforce Stay of Discovery. (ECF No. 74). Defendants request the Court to enforce a stay of discovery in this consolidated shareholder derivative action, as mandated by the Private Securities Litigation Reform Act (the "PSLRA"). The PSLRA provides for an automatic, mandatory stay of discovery in any action that arises under the Securities Exchange Act of 1934 (the "Exchange Act"). 15 U.S.C. § 78u-4(b)(3)(B).

Co-Lead Plaintiffs assert a Section 14(a) claim under the Exchange Act in their Consolidated Verified Shareholder Derivative Complaint. (ECF No. 75 at 59–79). The automatic stay of discovery therefore applies to this case. *See, e.g., Nicthing v. DPL Inc.*, No. 3:11-cv-141, 2011 WL 2892945, at \*1 (S.D. Ohio July 15, 2011). Per the PSLRA, the stay can only be lifted upon a motion and specific showing by Co-Lead Plaintiffs. 15 U.S.C. § 78u-4(b)(3)(B). Co-Lead

Plaintiffs have not filed any such motion; instead, they submitted a Notice of Non-Opposition to PSLRA Stay. (ECF No. 76).

For these reasons, Defendants' motion to enforce the stay [#74] is **GRANTED**.

**IT IS SO ORDERED.**



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ALGENON L. MARBLEY  
CHIEF UNITED STATES DISTRICT JUDGE

**DATED:** February 4, 2021